

TITLE 415, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 2

NEBRASKA DEPARTMENT OF ROADS
RAIL AND PUBLIC TRANSPORTATION DIVISION

RULES AND REGULATIONS CONCERNING
NEBRASKA PUBLIC TRANSPORTATION ASSISTANCE PROGRAM

Title 415 - NEBRASKA DEPARTMENT OF ROADS - RAIL AND PUBLIC TRANSPORTATION DIVISION

Chapter 2 - Nebraska Public Transportation Assistance Program

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001 13-1201 THROUGH 13-1212 NEB. REV. STAT., REFERRED TO AS THE NEBRASKA PUBLIC TRANSPORTATION ACT, AS AMENDED, IS BY THIS REFERENCE, MADE A PART OF THIS RULE.

002 DEFINITIONS: As used herein:

002.01 RECIPIENT: An eligible applicant whose application has been approved and has entered into an agreement with the State under this program.

002.02 PROJECT: A recipient's Public Transportation System.

002.03 ELIGIBLE OPERATING COSTS:

002.03A FACTORS AFFECTING ELIGIBILITY COSTS: To be eligible under the subsidy program, costs must meet the following general criteria:

002.03A1 Be necessary and reasonable for proper and efficient administration of the transportation program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of local governments unless totally applicable to the project.

002.03A2 Be authorized or not prohibited under State or local laws or regulations.

002.03A3 Be consistent with policies, regulations, and procedures that apply uniformly to federally assisted, State assisted and other activities of the unit of government of which the contractor is a part.

002.03A4 Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.

002.03A5 Not be allocable to, or included as a cost of, any other federally or State financed program in either the current or prior period.

002.03A6 Not include depreciation or capital costs.

002.03A7 Be net of all applicable credits.

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002.03B ALLOCABLE COSTS: A cost is allocable to a particular cost objective to the extent of benefits received by such objective.

Any cost allocable to a particular cost objective may not be shifted to other subsidy programs to overcome fund deficiencies, avoid restrictions imposed by law or agreements, or for other reasons.

Where an allocation of joint cost will ultimately result in charges to a transportation program, an allocation plan will be required as prescribed in the "Manual of Accounting Instructions for the Nebraska Public Transportation Assistance Program" hereinafter referred to as the "Accounting Manual."

002.03C APPLICABLE CREDITS: Applicable credits are those receipts or reduction of expenditure-type transactions which offset or reduce expense items allocable to this subsidy program as direct or indirect costs. Examples of such transactions are: purchase discounts, rebates or allowances; recoveries or indemnities on losses; sale of publications, and scrap; income from personal or incidental services; and adjustments of overpayments or erroneous charges.

Applicable credits may also arise when federal or State funds are received or are available from sources other than the subsidy program involved to finance operations of the contractor.

002.04 OPERATING REVENUE: Revenue generated from the operation of the system and includes passenger charges, such as fares or subscription charges, from rent or lease of vehicles, from rent or lease of vehicle space for advertising, gifts, or contributions, but shall not include taxes or cost reimbursements such as insurance damage payments.

002.05 FEDERAL OPERATING SUBSIDIES: Federal funds available to offset operating loss; such funds are to be considered as revenue. The Department of Roads will advise recipients of applicable federal funding programs and will determine the extent to which recipients attempted to secure such funding to offset operating costs.

002.06 ELIGIBLE OPERATING DEFICIT: The amount of eligible costs incurred in the operation of a public transportation system which exceeds the total amount of operating revenue and reportable federal funding.

003 COORDINATION OF PLANS WITH CARRIERS: All eligible applicants shall be encouraged to coordinate their public transportation plans with all private and other public carriers operating within common boundaries to avoid duplication of service. Utilization of existing private carriers should be given consideration when establishing a public transportation system. Applicants establishing a new public transportation system shall comply with the policies stated in the brochure entitled "Requirements of Applicants Establishing Public Transportation Projects."

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004 REDUCED FARES

004.01 City bus systems, operating over regularly-scheduled routes and receiving State funds under this program, must offer a reduced fare not to exceed one-half of the rates generally applicable to other persons at peak hours per one-way trip for persons who are elderly or handicapped. This provision does not apply to special transportation systems, such as portal-to-portal escorted service designed to serve the elderly or handicapped, or to bus systems not operating over regularly-scheduled routes. Nor does this provision prohibit a city bus system from offering a reduced fare to groups in addition to the elderly and handicapped or from offering this reduced fare at less than the stated reduced rate. The recipient may designate certain peak periods during which reduced fares shall not apply.

004.02 The recipient shall be responsible for determining the disability criteria by which a handicapped person will be eligible for the reduced fare. In determining this eligibility, recipients may expand upon the definitions of handicapped as set forth in the legislation but may not make their disability criteria more strict. For the purpose of providing a measure of uniformity to the program, the disability criteria proposed by the recipient shall be approved by the Department of Roads prior to adoption.

004.03 Certification of persons as being elderly or handicapped and eligible for the reduced fare shall be the responsibility of the recipient. The recipient may delegate part or all of this responsibility to another agency(ies), professional(s), or adopt any combination of these or other methods of certification that best meets the individual circumstances of the recipient and still fulfills the requirements of law, the approved criteria, and this Rule and Regulation.

005 APPORTIONMENT AND MATCH REQUIREMENTS

005.01 The State subsidy to a recipient shall not exceed fifty percent of the eligible operating deficit.

005.02 Should funds be insufficient to fully fund all proposed projects at the fifty percent funding level, a determination will be made as to which projects, and to what extent, shall be funded. Apportionment will be made on a priority basis subject to the requirements and restrictions set forth in the legislation. Priority criteria shall include but not be limited to the following:

005.02A Proposed projects best suited to serve the needs of the elderly and handicapped.

005.02B Proposed projects with federal funding participation.

005.02C Proposed projects which provide a service to the elderly and handicapped not otherwise available.

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005.02D Commitment of local agencies to support the project.

005.02E Proposed projects which most adequately serve transportation needs in a given region.

005.02F Proposed projects which show the most coordination of effort with other services.

In such case where an application receives no funding, or only partial funding, and unappointed money later becomes available, applications will be reconsidered for funding or increased funding.

005.03 Each Nebraska Public Transportation Assistance Program Project which is accepted for subsidy shall be approved or a maximum of one year's duration which may be renewed the first day of each July, if funds should be appropriated to this program by the Legislature.

005.04 If, at any time, the total funds appropriated for the program are obligated in their entirety, no additional projects will be approved for that fiscal year or until additional funds become available.

005.05 The recipient agency must provide the remainder of the funds to offset the deficit incurred in the provision of transportation. This local match, at a minimum, will equal the amount of State funds.

Local-matching funds may include: local revenues, funds apportioned to local subdivisions by the State Treasurer and revenues generated by activities and programs other than transportation. It shall not include operating revenues or federal monies. Recipients may be required to provide assurance of the provision of local-matching funds.

006 APPLICATION PROCEDURE

006.01 Eligible applicants wanting financial assistance should file an "Application for the Nebraska Public Transportation Assistance Program." To ensure consideration for allocation of funding under this program, the completed forms will have to be received in adequate time prior to the start of the fiscal year, (July 1), to allow for processing and agreement execution. Application forms will be provided by the Department of Roads Rail and Public Transportation Division.

006.02 To complete the application, the applicant will need to assess the anticipated eligible operating costs and revenues, federal funding and sources of local-matching funds, as defined in the "Accounting Manual," and complete the appropriate application and budget forms. Line items include:

006.02A Personnel costs including, but not limited to, job titles, salaries, taxes, and fringe benefits.

006.02B Administrative costs including, but not limited to, travel, communication, printing and advertising.

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006.02C Special service costs covering service outside that which is supplied by the staff, examples include legal, professional or audit services.

006.02D Building space and utilities costs covering rent and utilities but excluding actual purchase of building space or property.

006.02E Maintenance parts and supplies costs.

006.02F Fuel and lubrication costs.

006.02G Other costs which include items which otherwise fit into no previous category.

006.02H Operating revenue.

006.02I Federal contributions which includes all federal monies used to offset the costs of operations except revenue-sharing money, which should be listed under local-matching revenue.

006.02J Local matching revenue which includes all funds and their sources to be used as match for this Nebraska Public Transportation Assistance Program.

006.03 A recipient's allocation will be based upon the total amount of anticipated operating deficit, so it is imperative to have reasonable estimates to effectively appropriate State funds.

006.04 Applications must be filed each fiscal year that State funds are appropriated to be considered for allocation.

006.05 Nothing herein shall be interpreted to prohibit participation by private or public transportation companies in this program through contractual arrangement with an eligible applicant.

007 REQUIREMENTS OF RECIPIENTS

007.01 AGREEMENT REQUIREMENTS: Each applicant, upon acceptance as a recipient under the Nebraska Public Transportation Assistance Program, will be required to enter into an agreement with the State. The agreement will contain but not be limited to the following items and stipulations:

007.01A Agreement periods will not exceed one year in length.

007.01B Agreements must state the maximum amount of subsidy and the maximum percent of eligible operating deficits which will be subsidized.

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007.01C Applicant must agree to provide local-matching funds and to credit the State with its proportionate share of any refund of previously-claimed eligible operating deficit.

007.01D Applicant must agree to use competitive bidding procedures when purchasing eligible equipment.

007.01E Applicants must agree to include these same contract stipulations when subcontracting for service.

007.01F Applicants must agree to maintain records as per the "Accounting Manual."

007.01G Applicants must agree to submit reports as required by the State.

007.01H Subsidy payments will be made not more than once every month.

007.01I Applicants must agree to allow audit of equipment and records.

007.01J Conditions under which the State may terminate the agreement.

007.01K Provisions for changing the agreement.

007.01L Prohibition of conflict of interest.

007.01M Applicant must agree to hold the State harmless for damage claims.

007.01N Applicant must agree to maintain third-party liability insurance or, if permitted by law, maintain a self-insured program.

007.02 REIMBURSEMENT AND REPORTING REQUIREMENTS

007.02A Subsidy payments will be made on a reimbursement basis, not more than once every month.

007.02B Request for subsidy payment and data reporting will be made by submitting, each month, the necessary reimbursement forms, which will be completed with sufficient detail to assure the State that the requested subsidy is justified.

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007.03 ACCOUNTING AND AUDITING REQUIREMENTS

007.03A Records concerning costs which will be claimed for reimbursement must be kept in conformance with the guidelines contained in the "Accounting Manual."

007.03B In order to properly account for eligible reimbursements under the program, cash basis or accrual basis accounting is acceptable as long as such system is consistent throughout each agreement period.

ANNOTATION

**Title 415
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**Enabling Legislation
39-102, 13-1201 through 13-1212
Neb. Rev. Stat.**